

Welfare-to-Work 15-Percent WtW Grant Procurement On-Site Monitoring Guide

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**WELFARE-TO-WORK (WtW)
PROCUREMENT ON-SITE MONITORING GUIDE**

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PROCUREMENT REVIEW BACKGROUND AND INSTRUCTIONS

PROCUREMENT REVIEW BACKGROUND

SUBGRANTEE: _____
TOTAL ALLOCATION: \$ _____
TERMS OF AGREEMENT: _____ to _____
PROCUREMENT CONTACT: _____
REVIEW DATES: _____
REPORT NUMBER: _____
CRD MONITOR(s): _____

PROCUREMENT SYSTEMS

The Welfare-to-Work (WtW) procurement requirements in this guide are cited in the Federal Common Rules and 29 CFR Part 95 Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations Subpart C 95.40 through 95.48, and 29 CFR Part 97 Uniform Administrative Requirements for Grants and Cooperative Agreements to state and local governments, Subpart C 97.36.

PROCUREMENT REVIEW INSTRUCTIONS

1. **Obtain** and review a copy of the subgrantee's written procurement policies and procedures.
2. **Identify** the subgrantee's small purchase limit. _____
3. **Verify** that the subgrantee's written procurement policies and procedures contain the following requirements:

| The subgrantee's written procurement procedures must include the following: | Yes | No |
|---|--------------------------|--------------------------|
| A code of conduct for employees conducting requirements, including criteria regarding conflict of interest. | <input type="checkbox"/> | <input type="checkbox"/> |
| Selection procedures for procurement transactions. | <input type="checkbox"/> | <input type="checkbox"/> |
| Different types of procurement including when and how to use them. | <input type="checkbox"/> | <input type="checkbox"/> |
| Requirements for a price or cost analysis. | <input type="checkbox"/> | <input type="checkbox"/> |
| A process for resolving disputes, claims, and protests of award. | <input type="checkbox"/> | <input type="checkbox"/> |
| Limited conditions under which a sole source procurement may occur. | <input type="checkbox"/> | <input type="checkbox"/> |

References: 29 CFR Part 95, Section 95.40
29 CFR Part 97, Section 97.36
WtW Directive WD01-3, Procurement

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4. Complete the following procurement exercises:

- **SMALL PURCHASES**

- ☐ Select a minimum of 4 small purchase transactions paid for with WtW funds. Use the Small Purchase worksheet (Procurement Tool #1) to record the outcome.

- **COMPETITIVE PROPOSAL/REQUEST FOR PROPOSAL (RFP)**

- ☐ Select 2 procurement transactions involving the RFP process for WtW funds during the program year (PY) in review. Use the Competitive Proposal/RFP worksheet (Procurement Tool #2) to record the outcome.

- **SEALED BID/INVITATION FOR BID (IFB)**

- ☐ Select 2 procurement transactions involving the IFB process for WtW funds during the PY in review. Use the Sealed Bid/IFB worksheet (Procurement Tool #3) to record the outcome.

- **NONCOMPETITIVE PROPOSAL/SOLE SOURCE**

- ☐ Select 2 procurement transactions involving the sole source procurement process for WtW funds during the PY in review. Use the Noncompetitive Proposal/Sole Source worksheet (Procurement Tool #4) to record the outcome.

- **CONTRACT AGREEMENT**

The type of subgrantee (whether non-profit or governmental entity) will determine the appropriate Contract Review Worksheet to use.

- ☐ Review the contract agreement for the RFP transaction sampled above and record the outcome on the Contract Review Worksheet. (Procurement Tool #5A or #5B)
- ☐ Review the contract agreement for the IFB transaction sampled above and record the outcome on the Contract Review Worksheet. (Procurement Tool #5A or #5B)
- ☐ Review the contract agreement for the Sole Source transaction sampled above and record the outcome on the Contract Review Worksheet. (Procurement Tool #5A or #5B)

5. Complete the following property management exercise.

- ☐ Obtain a copy of the Subgrantee's most current WtW property inventory list and select a sample of ten equipment items each with a dollar value of \$5000 or more for physical inspection. [29 CFR 95.2(n) & 95.34(f)(1)] or [29 CFR 97.3 & 97.32(d)(1)]
- ☐ Verify the accuracy of the information on the property inventory list for each item selected and note any discrepancies on the Property Management Worksheet.

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SMALL PURCHASE WORKSHEET Procurement Tool #1

| | | |
|--|---------------------------------|--------------------------------|
| Staff Interviewed: | Monitor: | |
| Purchased Amount: | Purchase Date: | |
| Source of Purchase: | | |
| Describe briefly the goods or services procured: _____ _____ | | |
| For the purchase of equipment, did the Subgrantee determine that the purchase of this equipment is more cost effective than leasing? [WtW Directive WD01-3] | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Did the Subgrantee document the small purchase transaction by one of the following: sales receipt, current catalogs, or formal quotes? [WtW Directive WD01-3] | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Was the purchase made on the basis of full and open competition? [29 CFR 95.43 & 97.36(c)] | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Did the Subgrantee perform a price analysis? [29 CFR 95.45 & 97.36(f)] | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Did the Subgrantee obtain price or rate quotations from an adequate number of qualified sources? [29 CFR 97.36(f)] | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| For contracts or awards exceeding \$25,000, did the vendor provide a debarment certification? [WtW Directive WD01-3] | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Does it appear that the small purchase was properly procured based on the information reviewed? If no, explain: _____ _____ _____ _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

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**WELFARE-TO-WORK
COMPETITIVE PROPOSAL/REQUEST FOR PROPOSAL
Procurement Tool #2**

| | | | |
|--|--|----------------------------|----------------------------|
| Staff Interviewed: | | Monitor: | |
| Award Amount: | | Agency Awarded: | |
| Goods or Services Procured: | | | |
| Did the subgrantee's procurement records include: | <input type="checkbox"/> The basis for contractor selection | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| | <input type="checkbox"/> The basis for award cost or price | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the RFP indicate the following: | <input type="checkbox"/> The scope of work & service area | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| | <input type="checkbox"/> The method for evaluating the proposals | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| | <input type="checkbox"/> The deadline for receipt | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| | <input type="checkbox"/> The dispute process | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee publicly advertise the RFP? [29 CFR 97.36(d)(3)(ii)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee provide adequate response time for bidders? | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee follow its procedures for proposal evaluation as specified in its written procurement procedures? [29 CFR 95.44(a) & 97.36(d)(iii)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee perform a cost or price analysis in connection with this procurement transaction? [29 CFR 95.45 & 97.36(f)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee perform a written determination of demonstrated performance for this procurement transaction? [29 CFR 95.44(d) & 97.36(b)(8)] If yes, did the written determination include the following: <input type="checkbox"/> Contractor Integrity <input type="checkbox"/> Record of Past Performance <input type="checkbox"/> Compliance with Public Policy <input type="checkbox"/> Financial & Technical Resources | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee ensure that the award was not made to a debarred or suspended party? [29 CFR 95.13 & 97.35] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Was there conflict of interest, real or apparent, in this procurement transaction? [29 CFR 95.42 & 97.36(b)(3)(i-iv)] If Yes, explain. _____ _____ | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did there appear to be any situations considered restrictive of competition regarding this procurement transaction? [29 CFR 95.43 & 97.36(c)] If Yes, explain. _____ _____ | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Was the RFP properly procured based on the information reviewed? If no, explain. _____ | | Y <input type="checkbox"/> | N <input type="checkbox"/> |

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WELFARE-TO-WORK SEALED BID/INVITATION FOR BID Procurement Tool #3

| | | | |
|--|---|----------------------------|----------------------------|
| Staff Interviewed: | | Monitor: | |
| Award Amount: | | Agency Awarded: | |
| Goods or Services Procured: | | | |
| Did the subgrantee's procurement records include: | <input type="checkbox"/> The basis for contractor selection | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| | <input type="checkbox"/> The basis for award cost or price | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee publicly advertise the solicitation? [29 CFR 97.36] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the IFB include full and clear definitions and description of the goods or services to be procured? [29 CFR 97.36(d)(2)(ii)(B)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee retain copies of each bid received? | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Total number of bids received: _____ [29 CFR 97.42(b)] | | | |
| Were the bids opened publicly at the time and place stated in the solicitation? [29 CFR 97.36(d)(2)(ii)(C)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee state its right in the IFB to reject any or all bids due to unresponsiveness? | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| If yes, did the Subgrantee reject any or all the bids received? | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee document the specific reasons for rejecting any or all of the bids received? [29 CFR 97.36(D)(2)(II)(E)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee perform a written determination of demonstrated performance for this procurement transaction? [29 CFR 95.44(d) & 97.36(b)(8)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| If yes, did the written determination include the following: <input type="checkbox"/> Contractor Integrity <input type="checkbox"/> Financial and Technical Resources <input type="checkbox"/> Compliance with Public Policy <input type="checkbox"/> Record of Past Performance | | | |
| Did the Subgrantee award the contract to the lowest bidder who met the technical requirements/specifications? [29 CFR 97.36(d)(2)(ii)(D)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee ensure that the award was not made to a debarred or suspended party? [29 CFR 95.13 & 97.35] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Was there conflict of interest, real or apparent, in this procurement transaction? [29 CFR 95.42 and 29 CFR 97.36(b)(3)(i-iv)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| If yes, explain. _____ | | | |
| Did there appear to be any situations considered restrictive of competition regarding this procurement transaction? [29 CFR 97.36(c)] | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| If yes, explain. _____ | | | |
| Was the IFB properly procured based on the information reviewed? | | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| If no, explain. _____ | | | |

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**WELFARE-TO-WORK
NONCOMPETITIVE PROPOSAL/SOLE SOURCE
Procurement Tool #4**

| | | |
|---|--|---|
| Staff Interviewed: | Monitor: | |
| Award Amount: | Agency Awarded: | |
| Goods or Services Procured: | | |
| Did the Subgrantee determine that this award was not feasible under any other procurement method? (For Governmental Entity Only) | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| If so, which of the following circumstances applies? [29 CFR 97.36(4)(i)(A-D)] <input type="checkbox"/> the item or service was available only from a single source; <input type="checkbox"/> the emergency need for the item or service did not permit a delay; <input type="checkbox"/> the EDD gave written authorization for noncompetitive proposals; <input type="checkbox"/> after solicitation of a number of sources, competition was determined inadequate. | | |
| Did the Subgrantee document the justification for lack of competition? (For Non-Profit Entity Only) [29 CFR 95.46] | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the Subgrantee conduct a cost or price analysis for this transaction? [29 CFR 95.45 and 97.36(f)] | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Did the subgrantee's procurement records include: | <input type="checkbox"/> The rationale for selecting this method of procurement. | Y <input type="checkbox"/> N <input type="checkbox"/> |
| | <input type="checkbox"/> Justification for lack of competition when competitive bids or offers are not obtained. | Y <input type="checkbox"/> N <input type="checkbox"/> |
| | <input type="checkbox"/> The basis for contractor selection. | Y <input type="checkbox"/> N <input type="checkbox"/> |
| | <input type="checkbox"/> The basis for award cost or price | Y <input type="checkbox"/> N <input type="checkbox"/> |
| Did the Subgrantee ensure that the award was not made to a debarred or suspended party? [29 CFR 95.13 & 97.35] | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Was there conflict of interest, real or apparent, in this procurement transaction? [29 CFR 95.42 and 29 CFR 97.36(b)(3)(i-iv)] If yes, explain. _____ | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| Was the sole source transaction properly procured based on the information reviewed? If no, explain. _____ _____ _____ _____ _____ _____ | Y <input type="checkbox"/> | N <input type="checkbox"/> |

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WELFARE-TO-WORK CONTRACT REVIEW WORKSHEET Procurement Tool #5A (Non-Profit)

| | | | |
|---|----------------------------|--|--|
| Staff Interviewed: | | Monitor: | |
| Type of Procurement Transaction: <input type="checkbox"/> IFB | | <input type="checkbox"/> Noncompetitive <input type="checkbox"/> RFP | |
| Type of Goods or Services Purchased: | | | |
| Purchase Amount: | | Source of purchase: | |
| Did the contract resulting from the procurement transaction specify the following: | | | |
| • Administrative, contractual, or legal remedies in instances of contractual violation? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Termination for cause or for convenience by the grantee or contractor? [29CFR 95.48(b)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Assurances of nondiscrimination and equal employment opportunity? [29CFR 95.48 appendix A-1] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The retention of all required records for 3 years? [29 CFR 95.53] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The condition for payments and delivery terms? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The process for agreement changes? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • A provision against assignment? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The rights of the State, the DOL, or any of their authorized representatives to access any books, records, papers or other pertinent documents for the purpose of auditing or monitoring? [29 CFR 95.48(d)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The DOL's requirements pertaining to patent rights with respect to any discovery or invention under this contract? [29 CFR 97.48 Appendix A-5)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Compliance with the Copeland Anti-Kickback Act? (For Construction or repair award in excess of \$2,000) [29 CFR 95.48 Appendix A-2] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Compliance with the Davis-Bacon Act? (For Construction award in excess of \$2,000) [29 CFR 95.48 Appendix A-3] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • If, applicable, compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act? (For Construction award in excess of \$2,500) | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • If applicable, compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clear Air Act and Section 508 of the Clean Water Act (contracts in excess of \$100,000)? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| Did the subrecipient certify compliance with the Americans with Disabilities Act? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| Did the subrecipient sign a certification of a Drug Free Workplace or is it certified in the contract? [29 CFR Part 95, Appendix A(8) & 98.600] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| For a non-governmental agency awarded a contract for the amount of \$100,000 or more, did the subrecipient certify that no funds shall be used for lobbying? [29 CFR Part 95, Appendix A(7)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| Based on the contract document reviewed, did the subgrantee include all required contract provisions. If no, please explain. _____ _____ _____ | Y <input type="checkbox"/> | N <input type="checkbox"/> | |

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WELFARE-TO-WORK CONTRACT REVIEW WORKSHEET Procurement Tool #5B (Governmental Entity)

| | | | |
|--|----------------------------|--|--|
| Staff Interviewed: | | Monitor: | |
| Type of Procurement Transaction: <input type="checkbox"/> IFB | | <input type="checkbox"/> Noncompetitive <input type="checkbox"/> RFP | |
| Type of Goods or Services Purchased: | | | |
| Purchase Amount: | | Source of purchase: | |
| Did the contract resulting from the procurement transaction specify the following: | | | |
| • Administrative, contractual, or legal remedies in instances of contractual violation? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Termination for cause or for convenience by the grantee or contractor? (For contracts in excess of \$10,000) [29CFR 97.36(i)(2)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Assurances of nondiscrimination and equal employment opportunity? [29 CFR Part 37] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The retention of all required records for 3 years? [29 CFR 97.36(i)(11)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The condition for payments and delivery terms? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The process for agreement changes? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • A provision against assignment? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The rights of the State, the DOL, or any of their authorized representatives to access any books, records papers or other pertinent documents for the purpose of auditing or monitoring? [29 CFR 97.36(i)(10)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • The DOL's requirements pertaining to patent rights with respect to any discovery or invention under this contract? [29CFR 97.36(i)(8) & (9)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clear Air Act and Section 508 of the Clean Water Act (contracts in excess of \$100,000)? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Compliance with mandatory standards and policies relating to energy efficiency? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Compliance with the Copeland Anti-Kickback Act? (For Construction award) [29 CFR 97.36(i)(4)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Compliance with the Davis-Bacon Act? (For Construction contracts in excess of \$2,000) [29 CFR 97.36(i)(5)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| • Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act? (For construction contracts in excess of \$2,000) [29 CFR 97.36(i)(6)] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| Did the subrecipient certify compliance with the Americans with Disabilities Act? | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| Did the subrecipient sign a certification of a Drug Free Workplace or is it certified in the contract? [29 CFR Part 95, Appendix A(8) & 98.600] | Y <input type="checkbox"/> | N <input type="checkbox"/> | |
| Based on the contract document reviewed, did the subgrantee include all required contract provisions. If no, please explain. _____ | Y <input type="checkbox"/> | N <input type="checkbox"/> | |

| PROPERTY MANAGEMENT WORKSHEET PROCUREMENT TOOL #6 | | | | | | | | | | |
|--|---------------------------|--------------------|---------------------------------------|----------------------------|------------------------|-------------|----------|-----------|-----------------------------|-------------------------|
| Item Description | Serial # Or Model # | Funding Source? | Purchase Date Purchase Price | Inventory Tag Number | Who holds title? | Disposition | Location | Condition | Used for WtW purpose? | Physically Verified? |
| 1) | | | | | | | | | | |
| 2) | | | | | | | | | | |
| 3) | | | | | | | | | | |
| 4) | | | | | | | | | | |
| 5) | | | | | | | | | | |
| 6) | | | | | | | | | | |
| 7) | | | | | | | | | | |
| 8) | | | | | | | | | | |
| 9) | | | | | | | | | | |
| 10) | | | | | | | | | | |